REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 1, 2005. In the Office Action, the Examiner notes that claims 1-23 are pending and rejected. By this response, the Applicant has amended claims 1-3, 8, 22 and 23.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Amendments to the Claims

By this response, the Applicant has amended claims 1-3, 8, 22 and 23. The amendments the claims are fully supported by the Application as originally filed.

For example, the amendments to claims 1, 8, 22 and 23 are supported at least by page 47, line 15, to page 48, line 5; page 123, line 19, to page 124, line 21; page 62, lines 7-10; page 64, lines 16-20; and page 120, lines 12-22. The amendments to claim 2 are supported at least by page 48, lines 9-12 and 16-18; page 49, lines 14-19; page 47, line 10, to page 48, line 5; page 64, lines 10-15; page 75, line 19, to page 76, line 7; and page 122, line 3, to page 123, line 18. The amendments to claim 3 are supported at least by page 60, lines 17-19; and page 105, line 1, to page 106, line 5.

Thus, no new matter has been added in the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §102 Rejection of Claims 1-7

The Examiner has rejected claims 1-7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,410,326 to Goldstein (hereinafter "Goldstein"). Applicant respectfully traverses the rejection.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. The Goldstein reference fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, the Goldstein reference fails to teach or suggest at least "a mask to mask portions of a video, wherein a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal;" and "a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal," and "wherein the cursor highlight overlay is displayed over the at least one of the menus, which is displayed over the mask" as recited in the claim as amended.

The Goldstein reference discloses a "universal remote control device which is programmed to operate a variety of consumer products" (Abstract). Specifically, Goldstein reference discloses (emphasis added below):

> "The user is permitted to move the cursor via the remote control device to the selection of interest. The video character generator within the telephone interface will decode the position of the cursor and note a selection made for each position of the cursor.
>
> The process of selecting menus for downloading to the user continues until the user has decided all pertinent menus have been noted. Following the user's selection, a call must be placed back to the data base 700 to permit the loading sequence to begin.
>
> The process of selecting a menu for the user is represented in steps 713, 714 and 715. In step 713, the graphic generator menu cursor location is updated in response to commands received from the remote control device. The position of the cursor is read in step 714, and a location is noted in step 715 when the user makes a positive selection by pressing one of the keypad function keys to note the particular selection data associated with the cursor position." (column 34, lines 10-28)

Thus, the Goldstein reference discloses that a video character generator within a telephone interface will decode the position of a cursor, and that a graphic generator

menu cursor location is updated in response to commands from a remote control. However, the Goldstein reference does not teach or suggest that a graphic representing a cursor highlight overlay is stored in a memory of the set-top terminal. Furthermore, the Goldstein reference also does not teach or suggest a mask to mask a video. The goals and reference also does not teach or suggest that a graphic representing the mask is stored in a memory of the set-top terminal. Moreover, the Goldstein reference also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask.

Thus, the Goldstein reference does not teach or suggest each and every one of the limitations of the Applicant's invention as recited in claim 1. As such, Applicant submits that independent claim 1 is not anticipated by Goldstein and is patentable under 35 U.S.C. §102.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §102 Rejection of Claims 8-12, 16 and 20

The Examiner has rejected claims 8-12, 16 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,539,871 to Gibson (hereinafter "Gibson"). Applicant respectfully traverses the rejection.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. The Gibson reference fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, the Gibson reference fails to teach or suggest at least "a mask to mask portions of a video, wherein a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal;" and "a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal," and "wherein the cursor highlight overlay is displayed over the at least one of the menus, which is displayed over

the mask," as recited in claim 8 as amended.

The Gibson reference discloses a "method and system in a data processing system for selectively associating stored data with an animated element within a multimedia presentation in a data processing system" (abstract). However, the Gibson reference does not teach or suggest a set-top terminal. The Gibson reference also does not teach or suggest a memory in a set-top terminal. The Gibson reference also does not teach or suggest a mask to mask portions of a video. The Gibson reference also does not teach or suggest a cursor highlight overlay. The Gibson reference also does not teach or suggest a graphic representing the cursor highlight overlay which is stored in the memory of the set-top terminal. The Gibson reference also does not teach or suggest a graphic representing the mask which is stored in the memory of the set-top terminal. The Gibson reference also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask.

Thus, the Gibson reference does not teach or suggest each and every element of the Applicant's invention as recited in claim 8. As such, Applicant submits that independent claim 8 is not anticipated by Gibson and is patentable under 35 U.S.C. §102. Claims 9-12, 16 and 20 depend, directly or indirectly from independent claim 8, while adding additional elements. Therefore, claims 9-12, 16 and 20 are also not anticipated and are patentable over Gibson under §102 for at least the same reasons that claim 8 is patentable over Gibson under §102.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §102 Rejection of Claims 22 and 23

The Examiner has rejected claims 22 and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,477,262 to Banker et al. (hereinafter "Banker"). Applicant respectfully traverses the rejection.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. The Banker reference fails to disclose each and every element of the claimed invention, as arranged in claim 22.

Specifically, the Banker reference fails to teach or suggest at least "a mask to mask portions of a video, wherein a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal;" and "a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal," and "wherein the cursor highlight overlay is displayed over the at least one of the menus, which is displayed over the mask," as recited in independent claim 22 as amended.

The Banker reference discloses an "[a]pparatus for providing a user friendly interface to a subscription television terminal comprises a key pad arranged into a plurality of key groupings and an on-screen display controller for generating a plurality of screens for display on an associated television receiver" (abstract). Specifically, the Banker reference discloses (emphasis added below):

> "It is a further object of the invention to employ an arrow icon in an on-screen display having a corresponding arrow key of a subscriber input device, the arrow icon serving as a cursor for moving in one direction through a list of choices of a given menu. The matching arrow icon and the key avoid the multilevel association of functions to words and/or numbers to keys found in conventional televison terminals or associated appliances." (column 3, lines 41-48)

Thus, the Banker reference discloses an arrow icon which serves as a cursor. However, the Banker reference does not teach or suggest a cursor highlight overlay. The Banker reference also does not teach or suggest a mask to mask portions of a video. The Banker reference also does not teach or suggest a graphic representing the cursor highlight overlay which is stored in the memory of the set-top terminal. The Banker reference also does not teach or suggest a graphic representing the mask which is stored in the memory of the set-top terminal. The Banker reference also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask.

Thus, the Banker reference does not teach or suggest each and every element of the Applicant's invention as recited in claim 22. Moreover, claim 23 contains

substantially similar relevant limitations as discussed above in regards to claim 22. Accordingly, Applicant submits that independent claims 22 and 23 are not anticipated by Banker and are patentable under 35 U.S.C. §102.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 13-15, 17-19 and 21

The Examiner has rejected claims 13-15, 17-19 and 21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,539,871 to Gibson (hereinafter "Gibson"). Applicant respectfully traverses the rejection.

For at least the reasons discussed above in Applicant's response to the Examiner's §102 rejection of claim 8, the Gibson reference fails to teach or suggest Applicant's invention as a whole. As such, Applicant's independent claim 8 is patentable under 35 U.S.C. §103(a) over Gibson. Furthermore, Claims 13-15, 17-19 and 21 depend, directly or indirectly from independent claim 8, while adding additional elements. Therefore, claims 13-15, 17-19 and 21 are also non-obvious and patentable over Gibson under §103 for at least the same reasons that claim 8 is patentable over Gibson under §103.

Therefore, Applicant respectfully requests that the Examiner's rejection of claims 13-15, 17-19 and 21 U.S.C. §103(a) be withdrawn.

Further regarding the Gibson reference, the Gibson reference discloses a "method and system in a data processing system for selectively associating stored data with an animated element within a multimedia presentation in a data processing system" (abstract). However, the Gibson reference is not analogous art with regards to the present invention. Specifically, the Gibson reference "relates in general to improve data processing system" (Background of the Invention, Technical Field, column 1, lines 8-9). Thus, the Gibson reference pertains to a data processing system, and more specifically, as depicted in figure 1 of the Gibson reference, to a personal computer. Thus, the general field of the subject matter of the disclosure of the Gibson reference is not sufficiently close to the general field of the subject matter of the present invention, e.g., aspects of television program delivery systems and set-top terminals, as to be

considered appropriate for use in the general field of the present invention by one of ordinary skill in the art. Thus, the Gibson reference cannot properly be used in the 35 U.S.C. §103 rejection against the presently claimed invention.

Official Notices

The Examiner has taken Official Notice at least with respect to claims 13, 14, 15, 17, 19 and 21. The Applicant respectfully traverses each Official Notice taken by the Examiner. The Applicant respectfully submits that each Official Notice is erroneous at least because the claim limitations which are rejected using the Official Notice are believed to be not well known at least within the context of the independent claims from which these limitations depend.

For example, the Official Notice with respect to claim 13 is erroneous at least because "a plurality of interactive submenus for use with the interactive features, which submenus are displayed in response to a selection of the menu items, the selection being received from the user input" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Official Notice with respect to claim 14 is erroneous at least because "wherein the submenus are displayed in a video window in a scaled-down program video format" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Official Notice with respect to claim 15 is erroneous at least because "wherein the program and one or more of the submenus are displayed on the television at the same time" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Official Notice with respect to claim 17 is erroneous at least because "wherein the logo is displayed by a set top terminal associated with the television, and wherein the set top terminal determines whether there, is data or information about the program to be displayed as the one or more interactive features and displays the logo if there is data or information" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Official Notice with respect to claim 19 is erroneous at least because "wherein the overlay menu is generated by a set top converter using data received during a vertical blanking interval" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Official Notice with respect to claim 21 is erroneous at least because "wherein the logo is displayed for fifteen seconds during a plurality often-minute segments of the program" is believed to be not well known at least within the context of the independent claim from which this limitation depends.

The Examiner is respectfully requested to provide documentary evidence to substantiate each Official Notice (see MPEP 2144.03(C)). Without this documentary evidence, the Applicant respectfully submits that the Official Notices must be withdrawn.

CONCLUSION

Thus, Applicant submits that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi, at (732) 383-1405, or Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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